

FILED
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS
 CLERKS OFFICE

UNITED STATES

v.

NESTOR RODRIGUEZ
 Defendant.

Cr. No. 04-10063-1
 DISTRICT COURT
 DISTRICT OF MASS.

2004 JUN -8 P 2:27

ASSENTED TO MOTION OF THE UNITED STATES
TO MAKE LATE SUBMISSION TO PROBATION
OF DEFENDANT'S OFFENSE CONDUCT

The United States, by its undersigned counsel, hereby moves to submit late the government's version of the offense conduct for defendant Nestor Rodriguez. The government requests that it be allowed to submit the offense conduct on or before June 18, 2004. In support of this motion, the government states as follows. The defendant pled guilty on May 25, 2004. He is scheduled for sentencing September 20, 2004. The undersigned counsel is currently on trial in United States v. Michael Wells; 03-cr-10322-MLW. The trial started on June 7, 2004 and is expected to conclude, at the latest, early in the week of June 14, 2004. After defendant Rodriguez pled guilty, the undersigned was preoccupied with trial preparation and neglected to prepare the offense conduct in a timely fashion. Now that the trial has begun, the undersigned requests additional time to complete and submit the report after the conclusion of the trial.

The undersigned has spoken with the probation officer assigned to this case, Tricia Marcy, who has advised that the extension of time for the government to submit its offense

conduct will not require a change in the scheduled sentencing date. Counsel for the defendant, Syrie Fried, Esq., has assented to the relief requested herein.

Respectfully submitted,

MICHAEL J. SULLIVAN

UNITED STATES ATTORNEY

By:


A handwritten signature in dark ink, appearing to read 'Peter K. Levitt', is written over a horizontal line.

PETER K. LEVITT
Assistant U.S. Attorney
One Courthouse Way
Boston, MA
(617) 748-3355

Dated: June 8, 2004

CERTIFICATE OF SERVICE

I, Peter K. Levitt, do hereby certify that a copy of the foregoing was served on Syrie Fried by facsimile on June 8, 2004.



PETER K. LEVITT
ASSISTANT UNITED STATES ATTORNEY